

LAND USE CONTROL BOARD RECOMMENDATION

CASE #: S.U.P. 09-206 CC

At its regular meeting on **Thursday, May 14, 2009**, the Memphis and Shelby County Land Use Control Board held a public hearing on the application of **'Tower Ventures V, LLC'**, requesting a Special Use Permit on the property described as follows:

LOCATION: North side of Bolen Huse Road; +/-840 feet west of Coleman Road

APPLICANTS: Tower Ventures V, LLC

PROPERTY SIZE: 4,900 sq. ft. of 122.50 Acres

EXISTING ZONING: Single Family Residential(R-S10) District

REQUEST: Special use permit to allow a cell tower one-hundred ninety-five(195') feet in height with the ability to support six(6) sets of antennae arrays

The following spoke in support of the application:

Lou Katzerman, representative; stated: "We agree with the recommendation of staff and conditions for approval and that the anchor tenant will be Cricket Communications and the view will be in line and sited close to existing MLGW overhead transmission towers."

The following spoke in opposition of the application.

Robert Fallis, P.O. Box 11088 Memphis, TN 38111; stated: "I oppose this tower, because I feel it will be unsightly to my property directly south of the tower site on Bolen Huse Road. I believe such a structure never enhances property values."

The Land Use Control Board viewed the application for **'Tower Ventures V, LLC'**, requesting a Special Use Permit and the report of the staff. A motion was made and seconded to recommend approval of the application with conditions.

The motion passed by unanimous vote of 9 to 0.

The Board approved the conclusions of staff as contained in the staff report.

Respectfully submitted,

**Brian S.
Bacchus**

Digitally signed by Brian S. Bacchus
DN: cn=Brian S. Bacchus, c=US, o=Office of
Planning & Development, ou=Land Use Control,
email=brian.bacchus@memphistn.gov
Reason: I attest to the accuracy and integrity of
this document
Date: 2009.07.01 17:05:13 -0500

Brian S. Bacchus, Principal
Mary L. Baker, Deputy Director
Office of Planning and Development

Cc: **Committee Members**
File

Land Use Control Board
SITE PLAN CONDITIONS:

A ***Special Use Permit*** is hereby authorized to ***'Tower Ventures V, LLC'*** to allow a ***'CMCS communications tower one-hundred ninety-five(195') feet in height'*** on property located at the ***'north side of Bolen Huse Road; +/-840 feet west of Coleman Road'*** in accordance with an approved ***'site plan'*** and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred ninety-five(195') feet in height with the ability to support six(6) sets of antennae arrays.
- II. Bulk Regulations:
 - A. The setback from Bolen Huse Road shall be a minimum distance of 800 feet from tower centerline.
 - B. The setback from the west property line shall be a distance of 85 feet from tower centerline.
- III. Access & Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by County Engineer.
 - B. The private drive shall be constructed to provide a curvilinear design a minimum width of twenty-two(22) feet of pavement.
 - C. A gate with fencing and bollards shall be provided at the private drive entrance for unauthorized personnel.
- IV. Landscaping and Screening:
 - A. All landscaping and screening shall be in accordance with the 'Landscape Plan' and installed prior to launch and operation of the tower and equipment.
 - B. Required landscaping shall not be placed on or under any utility easement.
- V. Signs:
 - A. No signs shall be allowed, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.
 - B. No temporary or portable signs shall be permitted.
- VI. A CMCS communications tower one-hundred ninety-five(195) feet in height shall be allowed with the ability to support six(6) sets of antennae arrays for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.